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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,644	12/05/2003	Paul Marinier	I-2-0430.1US	1132
24374	7590	01/23/2008		
VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER LY, NGH I H	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 01/23/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/729,644

**Applicant(s)**

MARINIER, PAUL

**Examiner**

Nghị H. Ly

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 20-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s).

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/08/07 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (US 2003/0060976A1) in view of Stewart (US 6,546,257).

Regarding claim 20, Sato teaches a method of participating in cooperative positioning, implemented in a wireless transmit/receive unit (WTRU) (see fig.1, unit A or B, and see Abstract and [0028]), the method comprising: receiving requests for positioning information regarding a selected target- WTRU from a wireless network base station (see [0017], [0030], [0067], [0073], [0106], [0116], [0126], [0127], [0128],

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[0146] and [0147]), transmitting requests for positioning information to the selected target-WTRU (see [0017], [0030], [0067], [0073], [0106], [0116], [0126], [0127], [0128], [0146] and [0147]), receiving signals from the selected target-WTRU (also see [0017], [0030], [0067], [0073], [0106], [0116], [0126], [0127], [0128], [0146] and [0147]), performing position measurements regarding the selected target-WTRU based on the received requests for positioning information and the signals received from the selected target-WTRU for purposes of performing the position measurements (also see [0017], [0030], [0067], [0073], [0106], [0116], [0126], [0127], [0128], [0146] and [0147]), transmitting results of position measurements as positioning information to the wireless network base station (see [0010], [0055], [0064], [0065], [0066], [0067], [0078], [0096], [0111], [0114], [0117], [0123], [00127], [0130], [0145] and [0161]).

Sato does not specifically disclose storing a number of instances where positioning information is provided for account credit verification.

Stewart teaches storing a number of instances where positioning information is provided for account credit verification (see column 8, lines 63-67, column 8, lines 27-39 and column 12, lines 7-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Stewart into the system of Sato in order to provide geographically relevant promotional information to a predetermined location associated with a mobile (see Stewart, column 1, line 65 to column 2, line 2).

Regarding claim 21, the combination of Sato and/or Stewart further teaches enabling and disabling the ability of the WTRU to respond to positioning requests

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received from the wireless network base station (see Sato, [0067], [0116] and [0127]) or (see Stewart, column 4, lines 8-34 and column 8, lines 9-21).

Regarding claim 22, the combination of Sato and Stewart further teaches displaying the number of instances where positioning information is provided for account credit verification (see Stewart, column 8, lines 63-67, column 8, lines 27-39 and column 12, lines 7-12).

Regarding claim 23, the combination of Sato and Stewart further teaches the request for positioning information is broadcast and includes the spreading code of the selected target-WTRU (see Stewart, column 5, lines 3-7).

4. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (US 2003/0060976A1) in view of Stewart (US 6,546,257) and further in view of Official notice.

Regarding claim 24, the combination of Sato and Stewart teaches claim 20. The combination of Sato and Stewart does not specifically disclose determining the position of the WTRU with a degree of confidence that is above a predetermined value. However, the examiner takes Office notice such feature as recited is very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Sato and Stewart for providing a method as claimed, for determining the position of the WTRU.

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Regarding claim 25, the combination of Sato and Stewart teaches claim 14. The combination of Sato and Stewart does not specifically disclose the positioning information accepted by the wireless network base station is limited to positioning information with a degree of confidence above a predetermined level. However, the examiner takes Office notice such feature as recited in very well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Sato and Stewart for providing a method as claimed, for determining the position of the WTRU.

### ***Response to Arguments***

5. Applicant's arguments filed 11/08/07 have been fully considered but they are not persuasive.

On page 7 of applicant's remarks, applicant argues that the cited references fail to disclose a WTRU transmitting requests for positioning information from the selected target-WTRU.

In response, Sato and/or Stewart does indeed teaches a WTRU transmitting requests for positioning information from the selected target-WTRU (see [0017], [0030], [0067], [0073], [0106], [0116], [0126], [0127], [0128], [0146] and [0147]) or (see Stewart, column 4, lines 8-34 and column 8, lines 9-21). In addition, applicant's attention is directed to the teaching of Sato and/or Stewart above.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi H. Ly whose telephone number is (571) 272-7911. The examiner can normally be reached on 9:30am-8:00pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi H. Ly

